

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 3, 1999
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann, Nakanishi, Pennino and Land (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, Finance Director McAthie, Police Chief Hansen, Fire Chief Kenley, Parks and Recreation Director Williamson, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Jim Harvey, Lodi Community Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Land.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Susan Cruz with The Record presented Mayor Land, City Clerk Reimche, Parks and Recreation Director Williamson and Old Lodi Union High School Site Foundation Chairman Dennis Bennett with The Record's following *Best of Lodi in 1998* awards:
 - Children's Activities – Lodi Parks and Recreation
 - Place To Take Visitors – Lodi Lake
 - Park – Lodi Lake
 - Children's Activities – Lodi Lake
 - Landmark – Lodi Arch
 - Park – Hutchins Street Square
 - Park – Emerson Park
- b) Mayor Land presented Carrie Anderson, representing Animal Friends Connection, with a proclamation proclaiming February 23, 1999 as "Spay Day USA" in the City of Lodi.
- c) Tom Seidler, President of the Stockton Ports, made a presentation to the City Council regarding upcoming Stockton Ports games at Zupo Park in Lodi.
- d) Fire Chief Kenley informed the City Council of an incident involving a mobile home fire in Casa de Lodi and the heroic efforts of Mr. Raymond Franey. Mayor Land and the Fire Chief presented a Certificate of Recognition to Mr. Franey for assisting in the rescuing of a victim in this mobile home fire.
- e) Agenda item #D-3(c) entitled, "Presentation to Joe Handel for 1998 Parks and Recreation Commission Chairmanship" was pulled and will be placed on a future agenda.
- f) Theo Vandenberg with the Lodi Arts Commission updated the City Council on the many activities of the Arts Commission.
- g) Ron Addington from the Business Council made a presentation to the City Council regarding the Community Partnership for Families of San Joaquin. This Partnership was formed with over 55 public and private community leaders agreeing to come together to improve the lives of all children and families in San Joaquin County.

5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) John Johnson, 2112 Debbie Lane, Lodi, addressed the City Council regarding agenda item #E-9 entitled, "Approve agreement between City of Lodi and Boosters of Boys/Girls Sports Organization for concession operations at Zupo Field". Mr. Johnson, speaking as a citizen and not as a representative of BOBS, indicated that BOBS reserves the right as to which type of beverage is served and indicated it is possible the City could realize significant revenues if a single beverage manufacturer was given the exclusive rights to provide their product to the City.
- b) Lou Fugazi, 925 Greenwood Drive, Lodi, addressed the same matter and stated that he was against the suggestion.
- c) Blaine DeJong, representing BOBS, stated that they feel this would have a negative effect on their operations.

The City Council concurred that this was a separate item from the matter before them on the agenda and indicated that this suggestion could be looked into at a future date.

6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$1,833,617.92.
- b) The minutes of January 14, 1999 (Joint Meeting with Year 2000 Steering Committee), January 20, 1999 (Regular Meeting) and January 22, 1999 (Joint Meeting with Loel Foundation) were approved as written.
- c) Accepted the quarterly report of the City of Lodi pooled money investment account as required by SB564.
- d) Adopted Resolution No. 99-12 approving the purchase of AS/400 Operating Software and Disk upgrade.
- e) Agenda item #E-5 entitled, "Approve extension of Laidlaw Transit Services, Inc. contract" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- f) Agenda item #E-6 entitled, "Authorize City Manager to execute lease agreement with AirTouch Cellular at water tower, 125 North Stockton Street" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- g) Authorized the City Manager to execute an agreement for professional services for a traffic control device inventory (TCDI) and management software system, and appropriate State of California, Office of Traffic Safety (OTS) grant funds.
- h) Adopted Resolution No. 99-14 approving an agreement between the City of Lodi and Bon Cuisine A La Carte for concession operations at Lodi Lake and other locations for recreation events for the period of May 1, 1999 to December 31, 2000.
- i) Adopted Resolution No. 99-15 approving an agreement between the City of Lodi and Boosters of Boys/Girls Sports Organization for concession operations at Zupo Field for a period of three years.

Continued February 3, 1999

- j) Adopted Resolution No. 99-16 approving the agreement between the City of Lodi and Tokay Radio Control Modelers for use of Pixley Park site.
 - k) Agenda item #E-11 entitled, "Reimbursement and Indemnification to Jeffrey Kirst for electrical facilities provided on Kettleman Lane" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
 - l) Adopted Resolution No. 99-18 authorizing the Lodi Police Department to participate in a Multiagency Traffic Safety Enforcement Grant.
 - m) Adopted Resolution No. 99-19 entitled, "A Resolution Of The Lodi City Council Approving Waiver And Transfer Of Juvenile Accountability Incentive Block Grant Funding".
 - n) Adopted Resolution No. 99-20 approving the reallocation of one Electric Troubleshooter position to Senior Electric Troubleshooter.
 - o) Adopted Resolution No. 99-21 entitled, "A Resolution Of The Lodi City Council Approving The Application For A Planning Grant From The California Department Of Conservation's Agricultural Land Stewardship Program For Open Space/Agricultural Land Preservation Efforts" and 99-22 entitled, "A Resolution Of The Lodi City Council Approving The Application For A Planning Grant From The Great Valley Center's LEGACI Program For Open Space/Agricultural Land Preservation Efforts".
 - p) Authorized joining the amicus brief in the case of Friends of Mammoth v. Town of Mammoth Lakes, Third District Court of Appeal No. C029659.
-

7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-5 entitled, "Approve extension of Laidlaw Transit Services, Inc. contract".
Public Works Director Prima informed the City Council that when the City of Lodi went out to bid for transit service in 1996, DAVE Transportation Services was the low bidder. Since then, Laidlaw Transit Services, Inc. has purchased DAVE. As per Federal Transit Administration (FTA) requirements, contract extension prices must be specified in the original contract, and must not exceed five years.
The proposed contract amendment with Laidlaw will satisfy the FTA requirements by setting the price for the extensions. The cost structure is:

	Vehicle Service Hour	% Increase	Fixed Cost per Month	% Increase
1996/97	\$14.52	---	\$24,800.00	---
1997/98	\$14.64	1%	\$21,648.00	-13%
1998/99 (current)	\$15.23	4%	\$24,340.00	11%
1999/00 (proposed)	\$16.58	8%	\$25,310.00	4%
2000/01 (proposed)	\$17.24	4%	\$26,330.00	4%

The 1996/97 fixed-cost-per-month amount was higher than in 1997/98 because of initial start-up costs. The 1998/99 increase reflects the hiring of a reservation agent. The 8% increase in 1999/00 includes an hourly wage adjustment of \$1.00 to drivers and dispatchers in an effort to reduce turnover. The proposed increased cost for future years is reasonable, and approving an extension will save valuable staff time and maintain consistency and continuity in the service we provide. The contract provides for one-year extensions, and, given continued good performance, staff recommended the extension to June 2000.

Council Member Pennino removed this item from the Consent Calendar in order to ask questions regarding the turnover, figures and service hours. Public Works Director Prima responded to the questions.

The City Council, on motion of Council Member Pennino, Nakanishi second, unanimously adopted Resolution No. 99-13 approving an amendment to the contract with Laidlaw Transit Services, Inc., and authorized the City Manager to execute the amendment and extend the contract through June 2000.

- b) Agenda item #E-6 entitled, "Authorize City Manager to execute lease agreement with AirTouch Cellular at water tower, 125 North Stockton Street".

Public Works Director Prima presented the following report.

AirTouch recently approached the City about an antenna site in the Downtown area. As mentioned at the January 20 meeting, staff considered using the existing radio tower at City Hall, but could not identify a suitable place for the 12-foot x 20-foot equipment building. The stadium property was also considered, but AirTouch said it was too far from the Downtown core for their needs. We settled on the Parks and Recreation yard/water tank as an acceptable site as long as the antenna could be mounted on the tower column. AirTouch proposes that three panels (8 feet tall, 1 foot wide), painted to match the tower, be installed vertically at 95 feet, just below the tank. The equipment building will be located on the ground north of the tower, inside the fenced area. Wires will run up the inside of the tower and will not be easily visible.

AirTouch temporarily installed one of the panels on the tank to demonstrate exactly what the panels will look like when in place. Pictures were taken of the installation and presented at the meeting.

Below is a table comparing the terms of this proposed lease with the lease the City has with AT&T Wireless for a similar installation at the Municipal Service Center.

Proposed AirTouch Site	AT&T Wireless Site
400 square feet	1,200 square feet
\$550/month payable annually in advance (\$6,600)	\$650/month payable quarterly in advance (\$7,800)
4% or CPI annual increase, whichever is greater	CPI increase at term anniversary, no more than 25%
20-year term with 3 additional 5-year options	5-year term with 5 additional 5-year options
\$2,500 one-time processing fee	\$650 one-time option fee
Provision for AirTouch participation on a square-footage pro-rated basis on costs to improve the site frontage, fencing or landscaping, not including City building improvements	Only responsible for its equipment.

AirTouch will take out a building permit and satisfy any structural or code requirements regarding attachments to the tower.

Council Member Hitchcock indicated her concern about the length of the proposed 20-year lease, and Council Member Mann voiced the same concern. Further, Mayor Land indicated that he was concerned about maintenance and whether the proposed lease agreement had an "out" clause. Discussion followed with questions regarding the proposed lease agreement being posed by members of the City Council. Public Works Director Prima reminded the City Council that before them tonight was the *concept* and that details of a lease agreement would be worked out once the concept was approved.

Additional discussion followed, with questions being directed to Public Works Director Prima and City Attorney Hays. Also addressing questions was Kerry Leon, Property Acquisition Consultant with AirTouch Cellular.

The City Council requested that it be provided with a copy of the subject contract once it has been drafted.

The City Council, on motion of Mayor Land, Hitchcock second, unanimously authorized the City Manager to execute a lease agreement with AirTouch Cellular for the purpose of installing a small equipment building on City property and erecting an antenna on the City's elevated water tank. Further, the City Attorney was directed to ensure that the concerns expressed above be addressed in the contract

- c) Agenda item #E-11 entitled, "Reimbursement and Indemnification to Jeffrey Kirst for electrical facilities provided on Kettleman Lane".

Electric Utility Director Vallow informed the City Council that due to the required street widening of Kettleman Lane in conjunction with the Millsbridge Development, the existing telephone and electric lines are required to be relocated. The Developer of Millsbridge Development (Jeffrey Kirst) chose to relocate the overhead telephone and electric lines belonging to Pacific Bell and PG&E respectively, rather than having the lines placed underground due to the higher cost. Subsequently, Pacific Bell has chosen, at no additional cost, to underground their facilities rather than having them relocated.

Due to several factors, including the City's increased emphasis on aesthetics and the fact that Pacific Bell has chosen to underground their facilities in this area, the Electric Utility Department began discussions with Jeffrey Kirst to determine if he would make an additional contribution to have the remaining PG&E facilities undergrounded. Through these discussions, it was agreed that:

1. The Developer would provide the trenching, installation of conduit and payment of PG&E required charges.
2. The Electric Utility Department would do any of the electrical work that PG&E would allow and reimburse the Developer for expenses in excess of \$5,000.

The Electric Utility Department recommended that the City of Lodi reimburse the developer up to a maximum of \$34,000 for additional undergrounding costs.

Council Member Hitchcock posed questions regarding this matter, which were responded to by the Electric Utility Director.

The City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously authorized the City Manager to execute a standard reimbursement agreement between the City of Lodi and Jeffrey Kirst for the undergrounding of electrical facilities on Kettleman Lane not to exceed \$34,000.

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to review Cost Report for City Weed Abatement Program for 1998.

Purchasing Officer Harris reminded the City Council that several months ago the Council initiated weed abatement proceedings on various parcels throughout the City. According to the Government Code of the State of California, legal noticing, including letters to the subject property owners, publications and postings were made regarding the matter. Public Hearings regarding the program were conducted by the City Council.

Ultimately, the City abated the weeds on the parcels listed below.

- 508 South Central Avenue (APN 047-342-03), \$183.72;
- 905 Interlaken (APN 027-300-01), \$283.72 (*This property owner is recently deceased*);
- 336 East Locust Street (APN 043-111-05), \$308.95; and
- 1101 Geneva Way (APN 0273500029, \$534.72.

The Government Code provides that the City Council shall set a public hearing to receive a report of the cost of the abatement in front of or on each separate parcel of land where the work was done by the City. At the time fixed for receiving and considering the report, the legislative body shall hear it with any objections or the property owners liable to be assessed for the abatement. After confirmation of the report by the Council, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Therefore, it was recommended that following the Public Hearing the City Council adopt a resolution confirming the cost of the weed abatement in the City of Lodi during 1998 and provide for collection through the San Joaquin County Auditor's office.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 99-23 confirming the cost of weed abatement in the City of Lodi during 1998 and providing for collection through the San Joaquin County Auditor's office.

9. **COMMUNICATIONS (CITY CLERK)**

- a) The following report was presented to the City Council:
 - 1. Planning Commission report of January 13, 1999
- b) The City Council, on motion of Mayor Land, Nakanishi second, unanimously directed the City Clerk to post for the following expiring terms on the East Side Improvement Committee:

East Side Improvement Committee

Virginia Lahr	Term to expire March 1, 1999
Camille Green	Term to expire March 1, 1999

- c) The City Council, on motion of Mayor Land, Nakanishi second, unanimously made the following appointment:

San Joaquin Partnership

Phillip A. Pennino

10. **RECESS**

Mayor Land called for a ten-minute recess, and the City Council meeting reconvened at approximately 8:40 p.m.

11. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Report regarding the Financial Audit for Fiscal Year 1997-98".

Finance Director McAthie provided the following report.

The annual audit was conducted to reassure the City Council and other interested parties that the City's financial records and reports are prepared in accordance with generally accepted accounting principles (GAAP), that internal controls are adequate and safeguard the City against loss from unauthorized use or disposition of assets and that the City has complied with all agreements and covenants to obtain grant funds and debt financing. KPMG Peat Marwick has issued an "unqualified opinion".

The reports will be provided to Federal and State oversight agencies, bond trustees and insurance companies for their review and evaluation. Copies of the reports are provided to the City Council and are also available to the public by contacting the Finance Department Accounting Manager or at the Lodi Public Library for reference.

The City received a Certificate of Achievement for Excellence in Reporting from the Government Finance Officers Association (GFOA) and the California Society of Municipal Officers (CSMFO) for the fifth year in a row.

The Accounting staff of the Finance Department ought to be commended for their hard work and professionalism in preparing the City's Annual Financial Reports. It is due to their dedication to excellence and to the City that made Lodi recognized by the auditors and other professional financial organizations.

Bill Foster, In-Charge Auditor with KPMG, made a presentation to the City Council regarding the Combined Annual Financial and Single Audit Report, the Management Letter and the SAS 61 Report (Report to City Council).

Speaking on the matter was John Johnson, 2112 Debbie Lane, Lodi, who posed a number of questions regarding the 1997-98 Financial Audit, including his concern about the City's bonded indebtedness.

Council Member Pennino stated that he would like staff to look at Lodi's survey cities to see how we compare as to the amount of debt the City has.

A lengthy discussion followed with questions being direct to Mr. Foster, Finance Director McAthie and City Manager Flynn.

Following discussion, the City Council, on motion of Council Member Pennino, Hitchcock second, unanimously received for filing the reports and financial statements submitted by KPMG Peat Marwick LLP and the Finance Department for Fiscal Year 1997-98.

- b) Agenda item #H-2 entitled, "1999 – 2001 Proposed Financial Plan and Budget Projects".

Deputy City Manager Keeter provided the following report.

As an important component of the annual budget preparation process, the City Council and staff jointly create a list of proposed projects for the upcoming two years. The projects are subsequently categorized, ranked and then incorporated into the Financial Plan. This year, Council has requested that the public be afforded the opportunity to provide input into the priority of the proposed projects as well as to provide comments on projects not otherwise noted by Council and staff.

Staff reviewed with the Council a modified version of the proposed project listing.

Speaking on the matter were the following persons:

1. Virginia Snyder, 303 Louie Avenue, Lodi, suggested a need for additional staff for more aggressive enforcement of the "anti-ugly ordinance". Ms. Snyder then suggested a number of ways to offset the costs of her proposed additional staffing, including using volunteers to work in code enforcement and to actively go forward with fines which can be imposed under the "anti-ugly ordinance" for violations.
2. Eunice Friederich, 425 East Oak Street, Lodi, stated that she felt the proposed theater complex and parking structure should not be built on School Street because of the narrowness of the street and traffic congestion in that area.
3. Vi Riggle, 712 North Cross Street, Lodi, stated that she feels the proposed theater complex is gaudy and ugly. Further she feels that it was a big mistake to have installed planters rather than using the space of parking.
4. John Johnson, 2112 Debbie Lane, Lodi, stated that he feels the theater is a great idea. Further, he stated his concern that the proposed Indoor Sports Complex was excluded in the listed 1997-99 budget goals and objectives. It was pointed out that this was an oversight. Mr. Johnson also commented that police and fire items deserve the highest priority and that the City needs a 4th fire station.
5. Susan Heberle, 1440 Iris Drive, Lodi, stated that she was thrilled about the proposed fire facility. She spoke at length about her concern for the children of this community. Mrs. Heberle commented that she would like to see Community Development Block Grant funds used to hire people to build school facilities. She also suggested that these be multi-use facilities. She suggested 5 acres of the Millswood site for her proposed multi-purpose facility, which would include a gym and swimming pools. Mrs. Heberle indicated that she would like to see Lincoln School refurbished. Finally she expressed concern for the lack of street lights in certain areas of the community.
6. Blaine DeJong, 2612 Alder Glen Drive, Lodi, indicated his concern about not having restrooms or off-street parking at Peterson Park. Mr. DeJong further pointed out his concern about the lack of facilities for the youth of this community. He also stated that he would like to see the City proceed with the lighting of DeBenedetti Park before development goes forward in the area.
7. Ron Heberle, 1440 Iris Drive, Lodi, stated that he was glad to see the improvements to the Public Safety Building on the list. He indicated that the City needs to complete the improvements on Lower Sacramento Road from Turner Road south. He also spoke about the educational system in this community and its negative impact on economic development in Lodi. Mr. Heberle stated the City needs to be more proactive in our communications with the Lodi Unified School District. He also indicated that he felt a pool should be included in the proposed Indoor Sports Facility and that he supported the construction of a 4th fire station.
8. Dr. Richard Turner, 819 North Sacramento Street, Lodi, expressed his support for the proposed theater complex; however, he encouraged that larger screens be installed rather than a lot of little screens.
9. Virginia Lahr, P.O. Box 162, Lodi, asked that east side sewer line replacements be put on the list of priorities. She indicated that she was in favor of the remodeling of the Public Safety Building, better street lighting in Lodi and the theater complex.

The purpose of this item was to receive public comments and input, and there was no Council action required.

12. ORDINANCES

None.

13. RECESS

Mayor Land called for a ten-minute recess, and the City Council meeting reconvened at approximately 11:00 p.m.

14. VOTE TO CONTINUE WITH REMAINDER OF MEETING

Pursuant to the Lodi Municipal Code, the City Council, on motion of Council Member Hitchcock, Mann second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

15. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

a) Dorothy McClain, 1321 East Lockeford Street, Lodi, addressed the City Council regarding her property, which had been annexed into the City of Lodi, indicating that this happened without her being asked. Mrs. McClain complained about having her address changed 3 times in the 46 years she has lived there. She would like to talk to someone about being connected to City sewer service and about the installation of curb, gutter and sidewalk. She also indicated that she is now paying a lot more for garbage and water and indicated that, at 81 years of age, she now has to haul her garbage cans out to the street. The matter was referred to staff who will be in touch with her shortly regarding her concerns.

b) The following persons addressed the City Council expressing their displeasure in the recent termination of Animal Control Officer Bob Lonzo:

1. Julie Crosby, 1007 Mason Street, Lodi;
2. Rose Hilliard, 616 East Victor Road, Lodi;
3. Eunice Friederich, 425 East Oak Street, Lodi;
4. Dr. Richard Turner, 819 North Sacramento Street, Lodi;
5. Jackie Olson, 7889 East Harney Lane, Lodi; and
6. Robert Riggle, 712 North Cross Street, Lodi.

City Attorney Hays, upon request from Mayor Land, gave a detailed explanation as to why it would be inappropriate for Council or staff to make any comments regarding Mr. Lonzo's termination.

Police Chief Hansen responded to questions posed by Council Member Hitchcock as to what transpires during the probation period of a City employee.

c) Bob Lonzo then addressed the City Council regarding his termination.

16. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

a) City Manager Flynn reported that his Secretary, Susan Lake, recently gave birth to a baby girl. Kendall Christene weighed 9 lbs. 4 oz and measured 21" long.

City Manager Flynn also polled the City Council if they would be available for a Special meeting from 6:00 - 8:00 p.m. on Thursday, April 15, 1999 regarding redevelopment.

Continued February 3, 1999

17. CLOSED SESSION

Mayor Land announced that there was no need for a Closed Session regarding the following matter:

- a) Actual litigation: Government Code §54956.9(a). One case. Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN

18. ADJOURNMENT

There being no further business to come before the City Council, Mayor Land adjourned the meeting at approximately 11:50 p.m.

ATTEST:

Alice M. Reimche
City Clerk